



California Regional Water Quality Control Board

San Diego Region



Lisa S. Adams
Secretary for
Environmental
Protection

9174 Sky Park Court, Suite 100, San Diego, California 92123-4340
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Arnold Schwarzenegger
Governor

June 29, 2007

Mr. Fred Maas, President
Black Mountain Ranch, LLC
12770 High Bluff Drive, Suite 260
San Diego, CA 92130

In reply refer to:
CAU:10-3028390.02:alpem

Subject: Intent to Rescind Cleanup And Abatement Order No. R9-2005-0103
Facility Name: Black Mountain Ranch LLC For A Construction Project At
Site Address: 9295 1/2 Artesian Road, Rancho Bernardo, CA
WDID No. 9 37C328390

Dear Mr. Maas:

The California Regional Water Quality Control Board, San Diego Region (Regional Board) has determined that Black Mountain Ranch has fully complied with the directives established in Cleanup and Abatement Order No. R9-2005-0103, including reimbursement of Regional Board oversight costs to investigate any unauthorized discharges of waste and to oversee cleanup.

The purpose of this letter is to begin the rescission process for Cleanup and Abatement Order No. R9-2005-0103. It is our intention to rescind the Order after a minimum 30-day comment period is established to allow the Regional Board to receive comments from interested parties. A copy of the public notice is attached.

Cleanup and Abatement Order No. R9-2005-0103 was issued for the discharges of waste to unnamed tributaries to the San Dieguito River in violation of the Construction Storm Water Order No. 99-08-DWQ, resulting from construction activities associated with the Black Mountain Ranch Project.

The heading portion of this letter includes a Regional Board code number noted after "In reply refer to." In order to assist us in the processing of your correspondence please include this code number in the heading or subject line portion of all correspondence and reports to the Regional Board pertaining to this matter.

If you have any questions or need additional information, please contact Mr. Mark Alpert at (858) 467-2963 or malpert@waterboards.ca.gov.

California Environmental Protection Agency

Mr. Fred Maas, President
Black Mountain Ranch, LLC

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June 27, 2007

Respectfully,



JOHN H. ROBERTUS
Executive Officer

Attachment: Notice of Pending Rescission

CC: Chris Zirkle
City of San Diego
1970 B Street – MS 27A
San Diego, CA 92102

Chiara Clemente
RWQCB Central Watershed Unit

Kelly Fisher
California Department of Fish and Game
4949 Viewridge Avenue
San Diego, CA 92123

Attachment: Notice of Pending Rescission

California Regional Water Quality Control Board, San Diego Region

June 29, 2007

**NOTICE OF Pending Rescission
of**

**CLEANUP AND ABATEMENT ORDER NO. R9-2005-0103
Issued to Black Mountain Ranch LLC Construction project
9295 ½ Artesian Road, Rancho Bernardo, CA**

The California Regional Water Quality Control Board, San Diego Region (Regional Board) is providing this 30-day notice public notification of its intent to rescind Cleanup and Abatement Order No. R9-2005-0103 issued to Black Mountain Ranch LLC. The Cleanup and Abatement Order No. R9-2005-0103 was issued for the discharges of sediment and sediment laden runoff from a construction project at 9295 ½ Artesian Road, Rancho Bernardo to unnamed tributaries to the San Dieguito River in violation of the Construction Storm Water Order No. 99-08-DWQ, resulting from construction activities associated with the Black Mountain Ranch Project.

Provided no significant issues arise during the public notification period, the Regional Board will rescind the Order on August 1, 2007.

For more information regarding this matter please call Mr. Mark Alpert at (858) 467-2963, by email at malpert@waterboards.ca.gov, or visit the Regional Board's web site at www.waterboards.ca.gov/sandiego.